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OFFICE OF FEDERAL PROCUREMENT POLICY

AUGUST 7, 1974.—Ordered to be printed

Mr. HOLIFIELD, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 2510]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2510) to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the text of the bill, insert the following:

That this Act may be cited as the "Office of Federal Procurement Policy Act".

DECLARATION OF POLICY

Sec. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire property and services of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive procurement methods to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(9) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(10) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(11) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

FINDINGS AND PURPOSE

SEC. 3. (a) The Congress finds that economy, efficiency, and effectiveness in the procurement of property and services by the executive agencies will be improved by establishing an office to exercise responsibility for procurement policies, regulations, procedures, and forms.

(b) The purpose of this Act is to establish an Office of Federal Procurement Policy in the Office of Management and Budget to provide overall direction of procurement policies, regulations, procedures, and forms for executive agencies in accordance with applicable laws.

DEFINITION

SEC. 4. As used in this Act, the term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1), respectively, of title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

OFFICE OF FEDERAL PROCUREMENT POLICY

SEC. 5. (a) There is established in the Office of Management and Budget an office to be known as the Office of Federal Procurement Policy (hereinafter referred to as the "Office").

(b) There shall be at the head of the Office an Administrator for Federal Procurement Policy (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate.

AUTHORITY AND FUNCTIONS

SEC. 6. (a) The Administrator shall provide overall direction of procurement policy. To the extent he considers appropriate and with due regard to the program activities of the executive agencies, he shall prescribe policies, regulations, procedures, and forms, which shall be in accordance with applicable laws and shall be followed by executive agencies (1) in the procurement of—

- (A) property other than real property in being;
 - (B) services, including research and development; and
 - (C) construction, alteration, repair, or maintenance of real property;
- and (2) in providing for procurement by recipients of Federal grants or assistance of items specified in clauses (A), (B), and (C) of this subsection, to the extent required for performance of Federal grant or assistance programs.
- (b) Nothing in subsection (a)(2) shall be construed—
- (1) to permit the Administrator to authorize procurement or supply support, either directly or indirectly, to recipients of Federal grants or assistance; or
 - (2) to authorize any action by recipients contrary to State and local laws, in the case of programs to provide Federal grants or assistance to States and political subdivisions.
- (c) The authority of the Administrator under this Act shall apply only to procurement payable from appropriated funds: Provided, That the Administrator undertake a study of procurement payable from nonappropriated funds. The results of the study, together with recommendations for administrative or statutory changes, shall be reported to the President of the Senate and the Speaker of the House of Representatives at the earliest practicable date, but in no event later than two years after the date of enactment of this Act.
- (d) The functions of the Administrator shall include—
- (1) establishing a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies;
 - (2) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;
 - (3) monitoring and revising policies, regulations, procedures, and forms relating to reliance by the Federal Government on the private sector to provide needed property and services;
 - (4) promoting and conducting research in procurement policies, regulations, procedures, and forms;
 - (5) establishing a system for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector;
 - (6) recommending and promoting programs of the Civil Service Commission and executive agencies for recruitment, training, career development, and performance evaluation of procurement personnel.
- (e) In the development of policies, regulations, procedures, and forms to be authorized or prescribed by him, the Administrator shall consult with the executive agencies affected, including the Small Business Administration and other executive agencies promulgating policies, regulations, procedures, and forms affecting procurement. To the extent feasible, the Administrator may designate an executive agency or agencies, establish interagency committees, or otherwise use agency representatives or personnel, to solicit the views and the agreement, so far as possible, of executive agencies affected on significant changes in policies, regulations, procedures, and forms.
- (f) The authority of the Administrator under this Act shall not be construed to—

- (1) *impair or interfere with the determination by executive agencies of their need for, or their use of, specific property, services, or construction, including particular specifications therefor; or*
- (2) *interfere with the determination by executive agencies of specific actions in the award or administration of procurement contracts.*
- (g) *Except as otherwise provided by law, no duties, functions, or responsibilities, other than those expressly assigned by this Act, shall be assigned, delegated, or transferred to the Administrator.*

ADMINISTRATIVE POWERS

SEC. 7. Upon the request of the Administrator, each executive agency is directed to—

- (1) *make its services, personnel, and facilities available to the Office to the greatest practicable extent for the performance of functions under this Act; and*
- (2) *except when prohibited by law, furnish to the Administrator and give him access to all information and records in its possession which the Administrator may determine to be necessary for the performance of the functions of the Office.*

RESPONSIVENESS TO CONGRESS

SEC. 8. (a) The Administrator shall keep the Congress and its duly authorized committees fully and currently informed of the major activities of the Office of Federal Procurement Policy, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as may be necessary for this purpose, together with appropriate legislative recommendations.

(b) At least 30 days prior to the effective date of any major policy or regulation prescribed under section 6(a), the Administrator shall transmit to the Committees on Government Operations of the House of Representatives and of the Senate a detailed report on the proposed policy or regulation. Such report shall include—

- (1) *a full description of the policy or regulation;*
- (2) *a summary of the reasons for the issuance of such policy or regulation; and*
- (3) *the names and positions of employees of the Office who will be made available, prior to such effective date, for full consultation with such Committees regarding such policy or regulation.*

(c) In the case of an emergency, the President may waive the notice requirement of subsection (b) by submitting in writing to the Congress his reasons therefor at the earliest practicable date on or before the effective date of any major policy or regulation.

EFFECT ON EXISTING LAWS

SEC. 9. The authority of an executive agency under any other law to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in section 6 of this Act.

EFFECT ON EXISTING REGULATIONS

SEC. 10. Procurement policies, regulations, procedures, or forms in effect as of the date of enactment of this Act shall continue in effect, as modified from time to time, until repealed, amended, or superseded by policies, regulations, procedures, or forms promulgated by the Administrator.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act, and for no other purpose—

(1) not to exceed \$2,000,000 for the fiscal year ending June 30, 1975, of which not to exceed \$150,000 shall be available for the purpose of research in accordance with section 6(d)(4); and

(2) such sums as may be necessary for each of the four fiscal years thereafter.

Any subsequent legislation to authorize appropriations to carry out the purposes of this Act shall be referred in the Senate to the Committee on Government Operations.

DELEGATION

SEC. 12. (a) The Administrator may delegate, and authorize successive redelegations of, any authority, function, or power under this Act, other than his basic authority to provide overall direction of Federal procurement policy and to prescribe policies and regulations to carry out that policy, to any other executive agency with the consent of such agency or at the direction of the President.

(b) The Administrator may make and authorize such delegations within the Office as he determines to be necessary to carry out the provisions of this Act.

ANNUAL PAY

SEC. 13. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

“(100) Administrator for Federal Procurement Policy.”

ACCESS TO INFORMATION

SEC. 14. (a) The Administrator and personnel in his Office shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office.

(b) The Administrator shall, by regulation, require that formal meetings of the Office, as designated by him, for the purpose of establishing procurement policies and regulations shall be open to the public, and that public notice of each such meeting shall be given not less than ten days prior thereto.

REPEALS AND AMENDMENTS

SEC. 15. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended as follows:

(1) Section 201(a)(1) of such Act (40 U.S.C. 481(a)(1)) is amended by inserting “subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act,” immediately after “(1)”.

(2) Section 201(c) of such Act (40 U.S.C. 481(c)) is amended by inserting “subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act,” immediately after “Administrator,”.

(3) Section 206(a)(4) of such Act (40 U.S.C. 487(a)(4)) is amended to read as follows: “(4) subject to regulations promulgated by the Administrator for Federal Procurement Policy pursuant to

the Office of Federal Procurement Policy Act, to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications."

(4) Section 602(e) of such Act (40 U.S.C. 474) is amended in the first sentence thereof by inserting "except as provided by the Office of Federal Procurement Policy Act, and" immediately after "herewith,".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to establish an Office of Federal Procurement Policy within the Office of Management and Budget, and for other purposes."

And the House agree to the same.

CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
DON FUQUA,
FRANK HORTON,
JOHN N. ERLBORN,
Managers on the Part of the House.

LAWTON CHILES,
SAM NUNN,
WALTER D. HUDDLESTON,
WILLIAM V. ROTH, JR.
WILLIAM BROCK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE
OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2510) to create an Office of Federal Procurement Policy, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Except for certain clerical, conforming, and other clarifying and technical changes, the changes made to deal with the differences between the Senate bill and the House amendments are noted below:

TITLE

The conference substitute changes the title of the act to conform with changes in the text. The title, as modified, is to establish an Office of Federal Procurement Policy (OFPP) within the Office of Management and Budget (OMB), and for other purposes.

SECTION 1—SHORT TITLE

The conference substitute provides for citing the act as the "Office of Federal Procurement Policy Act".

SECTION 2—DECLARATION OF POLICY

The conference substitute incorporates section 2 of the Senate bill declaring it to be congressional policy to promote economy, efficiency, and effectiveness in procurement, but eliminates one of the 12 original specifications for accomplishing this policy, to wit: "conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs". The conferees agreed that the appropriate priorities and other relationships between procurement and other government programs should be governed by other specific legislation.

SECTION 3—FINDINGS AND PURPOSE

The conference substitute here and throughout the bill incorporates the language of the House amendment (subsection 2(a)) giving the OFPP responsibility for procurement "policies, regulations, procedures, and forms." The Senate bill treated procedures and forms as a means of implementing policies and regulations. The conferees recognize that these are closeknit responsibilities which are difficult to differentiate. The conferees agree that the OFPP generally should focus on matters of broad policy and regulatory scope and leave to the agencies details of implementing procedures and forms to the extent consistent with achievement of OFPP policy objectives.

The conference substitute adopts the statement of purpose in the House amendment (subsection 2(b)), but with changes to include the full name of the Office of Federal Procurement Policy and to spell out that procurement policies, regulations, procedures, and forms are to be "in accordance with applicable laws." The use of this language here and elsewhere in the conference substitute (subsection 6(a)) makes clear that OFPP policies must be subject to and consistent with congressional enactments. The conference substitute is substantially the same as the Senate bill except for omission of the phrase "through a small, highly qualified and competent staff." The conferees concur in this view but think it more appropriate to reflect it by report language and allow it to be effected by controlling appropriations for the OFPP.

SECTION 4—DEFINITION

The conference substitute incorporates the language of the House amendment (section 3) defining the term "executive agency." There is no change in substance from the Senate bill (subsection 4(a)(1)) except that the District of Columbia is excluded completely. Under the Senate bill, the District of Columbia was included but was authorized to exempt itself under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act. Exclusion of the District of Columbia will still leave the District of Columbia free to conform to OFPP policies and regulations as it deems appropriate.

The conference substitute in conformity with the House amendment does not include the definitions in the Senate bill of the terms "Office," "Administrator," and "Federal assistance." References elsewhere in the conference substitute take the place of the definitions of "Office" and "Administrator."

No definition is included for the term "Federal assistance" or the House counterpart, "Federal grants or assistance," particularly since this is the subject of separate legislation (H.R. 9060; S. 3514). The term is intended to include transactions for payment of money or transfer of property in lieu of money generally referred to as program or project grants, grants-in-aid and grants in lieu of research and development contracts as authorized by the 1958 Federal grants statute (42 U.S.C. 1891 et seq.). However, for the purposes of this act, the conferees do not intend that the OFPP responsibility with regard to "Federal assistance" should extend to programs for the furnishing of assistance through technical, specialized, and informational services; or assistance in the form of general revenue sharing, loans, loan guarantees, insurance, and similar "no strings attached" aids to State and local governments.

SECTION 5—OFFICE OF FEDERAL PROCUREMENT POLICY

Subsection 5(a)

The Senate bill placed the OFPP in the Executive Office of the President and made it subject to Presidential direction. The Senate felt a strong need for a high degree of independence for the OFPP. The House amendment placed the OFPP within the OMB, which is a component of the Executive Office.

The conference substitute follows the language of the House amendment in locating the OFPP within the OMB. This accords with

a preference expressed by the Commission on Government Procurement in recommending the creation, by statute, of the OFPP. The reference to Presidential direction is omitted as being unnecessary, since the OMB and its components are necessarily subject to Presidential direction.

The conferees agree that placement of the OFPP in the OMB will give the new Office prestige and leverage in dealing with the executive agencies and thereby will enhance its ability to discharge the important responsibilities conferred by the act.

Although, as a component of OMB, the OFPP will be subject to supervision and direction by the OMB Director, and through him by the President, the conferees wish to emphasize that the Administrator of the OFPP is charged with the duties and responsibilities set forth in this act and will be held accountable by the Congress for their effective performance. Other provisions in this act are consistent with the concern for independence. These include:

(1) A requirement for Senate confirmation of the Administrator, the only OMB official other than the Director and Deputy Director whose appointment is made subject to such confirmation.

(2) Vesting the functions of the OFPP in the Administrator rather than in the OMB Director, this being the only instance in which an OMB official other than the Director has a statutory charter.

(3) Authorization of separate appropriations for the OFPP.

(4) A provision that the appropriations may be expended only for the purposes of the act.

(5) A requirement that the Administrator, rather than the Director of OMB, keep the Congress fully and currently informed of his activities, including his recommendations.

(6) A requirement that the Administrator give the Congress 30 days' advance notice before the effective date of any major policy or regulation.

(7) A provision that the Administrator is not to be assigned any functions other than those provided in the act.

Subsection 5(b)

The conference substitute incorporates the provision in the Senate bill (subsection 5(b)) designating the head of the OFPP as Administrator for Federal Procurement Policy. This is in lieu of the designation of the head of the OFPP in the House bill (subsection 4(b)) as an Associate Director for Federal Procurement Policy of the Office of Management and Budget. The OFPP head is to be appointed by the President, with the advice and consent of the Senate.

The conferees agree that the title of "Administrator" will give greater emphasis to the distinct role the OFPP is expected to play in the area of procurement policy.

In view of the conferees' agreement to locate the OFPP in the OMB, the Senate bill provision requiring Presidential appointment and Senate confirmation of a Deputy Administrator (subsection 5(c)) was no longer considered appropriate. It is expected that the Deputy Administrator and other OFPP personnel will be appointed pursuant to regular Civil Service procedures. In the light of their responsibilities and the status of the executive agency officers with whom they will be dealing, the conferees agree that the Deputy Administrator should be a GS-18 and that an adequate complement of other supergrade positions should be allocated to the OFPP by the U.S. Civil Service

Commission. The conferees regard this as essential to attract outstanding talent and provide the high level of leadership in procurement policy coordination contemplated by the act and the Commission on Government Procurement.

SECTION 6—AUTHORITY AND FUNCTIONS

Subsection 6(a)

The conference substitute incorporates, with minor change, the provisions of the Senate bill (subsection 6(a)) stating the responsibility of the OFPP for prescribing policies, regulations, procedures, and forms for procurement, which shall be followed by all executive agencies and Federal grantees. This is substantially the same as the House amendment provisions (subsection 5(a)).

Subsection 6(b)

The conference substitute incorporates, with clarifying changes, the language of subsection 6(b) of the Senate bill directed against the OFPP authorizing procurement actions by State and local government grantees contrary to State or local law, or authorizing Federal procurement or supply support to grantees. This takes the place of substantially similar provisions found in subsections 5(a) and 5(d) of the House amendment.

Subsection 6(c)

This subsection of the conference substitute incorporates provisions found in the House amendment (subsection 5(a)) excluding non-appropriated fund activities from the scope of the act. This takes the place of a similar provision in the Senate bill (subsection 6(d)(4)) which was limited to *military* nonappropriated fund activities. The conference substitute also incorporates a provision in the Senate bill, but not in the House amendment, for the Administrator to conduct a study of procurement by nonappropriated fund activities and report to the Congress within two years.

Subsections 6(d), (e)

The conference substitute adopts a combination of language in the Senate bill (subsection 6(c)) and the House amendment (subsection 5(b)) enumerating six specific functions of the OFPP. There are a number of clarifying changes, including one to make clear that the OFPP will recommend and promote rather than oversee Civil Service Commission and other agency procurement personnel programs. The conference substitute also drops one enumerated function in the Senate bill (subsection 6(c)(2)) as redundant to another enumerated function (subsection 6(d)(3) of the conference substitute).

Subsection 6(e) of the conference substitute incorporates provisions in the Senate bill (subsection 6(c)(8)) and in the House amendment (subsection 5(c)) for the OFPP to consult with executive agencies in the development of policies, regulations, procedures, and forms. The conference substitute adopts the Senate language authorizing designation of other agencies to coordinate agency views.

Subsection 6(f)

The conference substitute incorporates with minor changes the provisions found in the House amendment (subsections 5(d)(1) and (2)) to rule out any authority of the OFPP to interfere with executive agency procurement actions or determinations of procurement needs.

Counterpart provisions were included in the Senate bill (subsections 6(d) (1) and (2)).

A provision in the Senate bill (subsection 6(d)(3)) defining the authority of the OFPP to deal with procurement procedures and forms was deleted as redundant to other provisions in the conference substitute (subsection 6(a)) giving the OFPP general authority over policies, regulations, procedures, and forms.

Subsection 6(g)

To assure that the OFPP will not have its procurement reform role diluted, the conference substitute includes specific language that, except as otherwise provided by law, the Administrator will have only those functions expressly assigned by the act. The conferees do not wish the Administrator to be burdened with extraneous responsibilities or to have any of his functions transferred elsewhere.

SECTION 7—ADMINISTRATIVE POWERS

The conference substitute incorporates substantially identical provisions found in the Senate bill (subsection 7(b)) and the House amendment (section 6) providing for executive agencies to furnish the OFPP with services, personnel, facilities, and access to records. The conference substitute omits other administrative provisions found in subsections 7(a) and 7(c) of the Senate bill as no longer necessary or appropriate in view of placement of the OFPP in the OMB.

SECTION 8—RESPONSIVENESS TO CONGRESS

Subsection 8(a)

The conference substitute incorporates modified language of the Senate bill (subsection 8(a)) for the Administrator to keep the Congress and its committees fully and currently informed and to submit annual and other reports on the major activities of the Office. The conferees agree that this wording is to be given a reasonable interpretation permitting submission of information on a summary basis at intervals consistent with the intent of this subsection. The conference substitute omits a provision in the Senate bill (subsection 8(b)) requiring the Administrator and OFPP personnel to testify before Congress. The conferees agree that it would be anomalous to spell out this requirement for the OFPP without a similar requirement for all executive officials. Nevertheless, the conferees expect that OFPP personnel will be available for information and testimony before congressional committees, and there is no intent to imply that the OFPP, or any other office, is beyond the reach of congressional committees.

Subsections 8 (b), (c)

The conference substitute incorporates a provision for the Administrator to give 30 days' advance notice of any proposed major policy change to the Committees on Government Operations of the Senate and the House of Representatives, with a description thereof, a summary of reasons, and the names of OFPP representatives designated for consultation with the committees. This reporting requirement is intended also to extend to policies implementing executive orders. This is a modified version of a provision found in the Senate bill (subsection 8(c)) but not in the House amendment. The

conference substitute adds a provision for waiver by the President in emergency cases, but omits a provision for the proposed policy to be rendered ineffective by resolution of either House within 60 days.

SECTION 9—EFFECT ON EXISTING LAWS

The conference substitute follows the language of the House amendment (section 8) making any authority of executive agencies to prescribe policies, regulations, procedures, and forms subject to the authority of the OFPP. The Senate bill included a substantially similar provision (section 9).

SECTION 10—EFFECT ON EXISTING REGULATIONS

The conference substitute adopts a Senate bill provision (section 10) continuing existing procurement policies, regulations, procedures, and forms in effect until repealed, amended, or superseded by OFPP action. A substantially similar provision was contained in the House amendment (section 9).

SECTION 11—AUTHORIZATION OF APPROPRIATIONS

The conference substitute incorporates, with changes, the provisions in the Senate bill (section 11) authorizing appropriations. As changed, this provision authorizes appropriations not to exceed \$2 million for the fiscal year ending June 30, 1975, of which not more than \$150,000 is to be available for research, and authorizes appropriations as may be necessary for each of the four fiscal years thereafter. It also provides that subsequent legislation to authorize appropriations is to be referred in the Senate to the Committee on Government Operations. The authorization of \$2 million for the first fiscal year is in lieu of the \$4 million authorized in the Senate bill, and in lieu of the \$1 million estimated by the report on H.R. 15233 of the Committee on Government Operations (H. Rept. No. 93-1176, pp. 6-7).

The conference substitute is in lieu of a provision in the House amendment (section 10) which indefinitely authorized such unspecified sums as may be necessary to carry out the act. However, the conference substitute does include language, reflecting the House amendment, that appropriations shall be available "for no other purpose." This is intended to assure that such appropriations will be used only for activities of the OFPP and will not be mingled with appropriations for other OMB activities.

SECTION 12—DELEGATION

The conference substitute incorporates a Senate provision (section 12) authorizing delegation to OFPP personnel, and also to other agencies of any OFPP authority except the basic authority of OFPP to direct procurement policy and prescribe policies and regulations.

The working is changed specifically to authorize redelegation as provided in a counterpart provision of the House amendment (section 11). The House amendment did not include the restriction as to delegating the basic authority of the OFPP.

SECTION 13—ANNUAL PAY

The conference substitute adopts the provision of the House amendment (section 12) for compensating the Administrator at Executive Level IV (\$38,000) rather than Executive Level III as provided in the Senate bill (section 13).

SECTION 14—ACCESS TO INFORMATION

Subsection 14(a)

The conference substitute incorporates identical provisions found in the Senate bill (subsection 14(a)) and the House amendment (section 13) giving the Comptroller General access to records of the OFPP.

Subsection 14(b)

The House conferees receded from their objection to subsection 14(b) of the Senate bill and accepted a modified version thereof in the conference substitute. There was no similar provision in the House amendment. This subsection of the conference substitute requires the Administrator to open to the public certain formal, scheduled meetings of the OFPP concerning the establishment of procurement policies and regulations and specifies that a ten-day notice will be given of such meetings. The Administrator is to designate the meetings subject to this subsection and prescribe, by regulation, the procedures to be followed in the conduct of such meetings. Although the Administrator is given authority to determine the need for and conduct of the public meetings, in general, it is intended that the formal meetings of the Office will be conducted so as to give substantial visibility to its rulemaking determinations. This subsection complements the provisions of subsection 6(d)(2) calling for the timely, effective solicitation of the viewpoints of interested parties, and is in line with the policy declaration in subsection 2(9) on improving the understanding of procurement policies.

SECTION 15—REPEALS AND AMENDMENTS

The conference substitute adopts with technical changes provisions in the House amendment amending four sections of the Federal Property and Administrative Services Act to make the authority of the Administrator of General Services to issue regulations and forms subordinate to the authority conferred on the OFPP Administrator to prescribe procurement policies, regulations, procedures, and forms under this act. The Senate bill covered two similar amendments to the Federal Property and Administrative Services Act. The technical

changes in the conference substitute make clear that no authority is given to the OFPP Administrator apart from that specifically conferred by other provisions of this act.

CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
DON FUQUA,
FRANK HORTON,
JOHN N. ERLBORN,
Managers on the Part of the House.

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